

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lutz Kirsten
Serial No. : 10/511,820
Filed : June 27, 2005
Title : POSITIVE TEMPERATURE COEFFICIENT (PTC) COMPONENT AND
METHOD FOR THE PRODUCTION THEREOF

Art Unit : 2832
Examiner : Joselito Sasis Baisa
Conf. No. : 8847

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT OF JUNE 25, 2007

In response to the restriction requirement, we hereby elect the claims of Group II, namely claims 7 to 18. This election is made with traverse for at least the following reasons.

This application is a PCT national stage application. Accordingly, pursuant to MPEP §1850, the USPTO is required to follow PCT rules regarding unity of invention. In particular, the MPEP states:

Therefore, when the Office considers international applications as an International Searching Authority, as an International Preliminary Examining Authority, and during the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rule 13.1 and 13.2 will be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111. No change was made in restriction practice in United States national applications filed under 35 U.S.C. 111 outside the PCT. (emphasis added)

Thus, to reiterate, U.S. restriction rules do not apply to this case. PCT rules apply.

Therefore, the U.S. classes into which the claims fall is irrelevant.

It is submitted that there is unity of invention for this application under PCT Rules

13.1 and 13.2. In this regard, PCT Rule 13.2 states

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

In this regard, there is a relationship among the inventions of Groups I and II, which involve one or more of the same or corresponding special technical features. As stated in the rule, a special technical feature means "technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art".

In this case, the independent claims of both Groups I and II (claims 1 and 7) each recite an electrical component that comprises

(a) a base comprised of ceramic layers and electrode layers, the electrode layers separating adjacent ceramic layers, the ceramic layers comprising a ceramic material that has a positive temperature coefficient in at least one part of an R/T characteristic curve, and (b) a first collector electrode attached to a first side of the electrical component and a second collector electrode attached to a second side of the electrical component, wherein the first collector electrode and the second collector electrode contact alternate electrode layers, wherein the electrical component has a volume V and a resistance R, the resistance R being measured between collector electrodes at a temperature of between 0° C and 40° C, and wherein $V \cdot R < 600 \Omega \cdot \text{mm}^3$,

In fact, the above features form the body of claim 1, and are repeated in claim 7. They include ceramic layers comprising a ceramic material that has a positive temperature coefficient in at least one part of an R/T characteristic curve, wherein the electrical

component has a volume V and a resistance R , the resistance R being measured between collector electrodes at a temperature of between 0°C and 40°C , and wherein $V \bullet R < 600 \Omega \bullet \text{mm}^3$. Both the claims in Group I and in Group II recite these same special technical features. Therefore, there is unity of invention under PCT Rules 13.1 and 13.2. Whether or not the claims of Groups I and II are product or process claims, and whether or not the claims are classified in different search categories, is not relevant to the analysis under PCT Rules 13.1 and 13.2.

Furthermore, we note that the Office Action indicates that the "process as claimed can be used to make other and materially different products". We submit that this statement is factually incorrect, since claim 7 states, in its preamble, that it is

A method of manufacturing an electrical component having a positive temperature coefficient, the electrical component comprising:

(a) a base comprised of ceramic layers and electrode layers, the electrode layers separating adjacent ceramic layers, the ceramic layers comprising a ceramic material that has a positive temperature coefficient in at least one part of an R/T characteristic curve, and (b) a first collector electrode attached to a first side of the electrical component and a second collector electrode attached to a second side of the electrical component, wherein the first collector electrode and the second collector electrode contact alternate electrode layers, wherein the electrical component has a volume V and a resistance R , the resistance R being measured between collector electrodes at a temperature of between 0°C and 40°C , and wherein $V \bullet R < 600 \Omega \bullet \text{mm}^3$.

Thus, claim 7 is a method of making the electrical component of claim 1, since it recites all of the features of claim 1. Accordingly, it is not true that the "process as claimed can be used to make other and materially different products".

For at least the foregoing reasons, it is submitted that the restriction is improper and should be withdrawn.

Applicants : Lutz Kirsten
Serial No. : 10/511,820
Filed : June 27, 2005
Page : 4

Attorney's Docket No.: 14219-068US1
Client's Ref.: P2002,0291USN

Finally, we are submitting herewith a substitute specification. As required, both clean and marked-up copies are being submitted. No new matter is believed to have been entered.

Applicants' attorney can be reached at the address shown above. All correspondence should continue be directed to Paul A. Pysher at the same address.

Please apply any fees associated with this response, which have not already been covered by check, to Deposit Account 06-1050 referencing 14219-068US1.

Respectfully submitted,

Date: September 25, 2007



Paul A. Pysher
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906